

REMARKS

Status of the Claims

Claims 1, 9, 16, 24, 27, 31, 34-36, 40, 43, 45, 49, 51, 52, 54, 55, 61, 68, 81, 86, 87, 91, 93-95, 97-99, 101, 103, 106, 107, 111, 121, 123, 126, 136, 137, 141, 145, 146, 151, 153, 158, 164-166, 169, 170, 173, 174, 177-179, 190, 191, 194-197, 199, 201, 203-205, 208, 209, 212, 214-216, 218-221, 223-226, 229, 231-233 and 236-241 are pending.

Claims 34, 43, 45, 51, 54, 55, 61, 68, 81, 86, 87, 91, 93, 95, 97-99, 103, 106, 107, 111, 121, 123, 126, 136, 137, 141, 145, 146, 151, 153, 158, 164-166, 169, 170, 173, 174, 177-179, 190, 191, 194-197, 199, 201, 203-205, 208, 209, 212, 214-216, 218-221, 223-226, 229, 231-233, 236, 237 and 240-241 are withdrawn from further consideration.

Please cancel claim 16 without prejudice.

Claims 242-245 are added.

Accordingly, claims 1, 9, 24, 27, 31, 35, 36, 40, 49, 52, 94, 101, 165, 238, 239 and 242-245 are pending and under examination.

This Communication

The instant Communication alleges that Applicants' last amendment was non-compliant under Rule 121, and that only a corrected section of the response should be submitted. In response, only a corrected version of the Replacement Drawing and a corrected version of the "Amendment to the claims" is submitted herein.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully submit that the Examiner can properly withdraw the rejection of pending claims under 35 U.S.C. §112, first and second paragraphs, 35 U.S.C. §102, and 35 U.S.C. §103. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

Applicants believe that no additional fees are necessitated by the present response and amendment. However, in the event any such fees are due, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 50-0661, referencing docket number D2000-1WUS. However, the Commissioner is not authorized to charge the cost of the issue fee to this deposit account. Please credit any overpayment to this account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (858)526-0376.

Dated: November 20, 2008

Respectfully submitted,

By /JenniferRisser/

Jennifer Risser

Registration No.: 60,059

VERENIUM CORPORATION

Intellectual Property Department

PO BOX 910550

San Diego, CA 92121-0550

(858)526-0376

jennifer.risser@verenum.com